STATE AND LOCAL ENFORCEMENT OF POSSESSION, USE, AND PURCHASE LAWS AMONG U.S. STATES AND LOCAL COMMUNITIES

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Tobacco control youth access policies may promote reductions in tobacco use.

Possession, use, and purchase (PUP) laws, penalize minors, themselves, for possessing, using, and/or purchasing tobacco products.

Recent trends indicate a sharp increase in the number of state PUP laws:
- 1988: 17 states enacted at least one PUP law
- 2001: 44 states enacted at least one PUP law
Possession, Use, and Purchase Laws per State* --
United States, 1988-2001, includes the District of Columbia

PUP Laws have been controversial:

**Arguments in Favor of PUP Laws:**

- Promote youth accountability and personal responsibility
- Add a cost to youth for tobacco use
- Law enforcement uses PUP laws to inspect suspicious youth: potentially reducing crime and other illegal substance use
- Reinforce illegal use of tobacco by minors (adults ‘mean what they say’)
- Alcohol experience – raising the minimum legal drinking age to 21 years has resulted in reductions in alcohol use and saved lives
PUP Laws have been controversial:

**Arguments Against PUP Laws:**

- Youth are enticed to smoke by marketing, then punished for wanting the promoted product.
- Industry youth focus diverts attention from other effective tobacco control efforts and facilitates preemption.
- Enforcement costs and difficulty: need local support and enforcement; may reduce enforcement of sales to minors’ laws.
- May be used by law enforcement to ‘profile’ youth.
- No proven substantial decrease in youth smoking behavior.
- Alcohol BAC Laws reduced drinking and driving only.
Previous analyses have not suggested a relationship between the presence of state PUP laws and adolescent smoking behavior:

**Cigarette Smoking Among Youth by the Historical PUP Legislation Rating in 50 States and the District of Columbia, 1999**


Note: Past Month Smoking = smoked on > 1 day during the previous 30 days; Historical PPU Legislation Rating = Sum of PPU laws for previous 1991-1999; (0 = no law; 1 = law present, from 0 to 3 laws)

Sources: 1999 NHSDA (12-17 year olds); ALA’s SLATI, CDC’s STATE system, and the Roswell Park Cancer Institute
Additional analyses to assess the effect of PUP laws on adolescent smoking behavior, in terms of adolescent age and risk status, have suggested:

- PUP laws were generally associated with lower smoking rates among the youngest adolescents at low or medium risk (*i.e* those who were least likely to smoke to begin with).*

These preliminary analyses suggest that additional studies to assess the effects of PUP laws on adolescent smoking behavior should include:

- Measures of State PUP Enforcement
- Measures of Local PUP Enforcement

Objectives:

- To descriptively present State PUP enforcement data for a sample of states with PUP laws

- To descriptively present Local PUP enforcement data for a sample of communities with tobacco Possession ordinances

- To discuss state and local PUP enforcement activities, including formative and future research concerning PUP enforcement at both state and local levels
State PUP enforcement data presented are based on preliminary data from a sample of 15 states participating in the following grant-funded project:

**Business Practices & Minors’ Access To Tobacco**

State and Community Tobacco Control Initiative of the Tobacco Control Research Branch, Division of Cancer Control and Population Science National Cancer Institute
Grant # RO1 CA 86232

*Pamela I. Clark, Principal Investigator*

The contents are solely the responsibility of the authors and do not necessarily represent the official view of the National Cancer Institute

✔ Telephone interviews were conducted in September-October 2001, to collect recent data on state enforcement activities and practices related to youth access possession, purchase, and use laws, as part of a minors’ access tobacco project

✔ These state PUP data were collected by a trained interviewer, who contacted enforcement officials in each participating state
States with Possession, Use, and/or Purchase (PUP) laws indicate that they enforce these laws.

- However, a majority of PUP enforcement activity occurs at the local level

The pattern of PUP enforcement suggests that possession/use laws can be more effectively enforced than purchase laws.

- Possession/use laws were generally enforced when:
  “any person who looks underage and is seen smoking is intercepted, age is checked, and action is taken.”

- Purchase laws were generally enforced only when:
  “a law enforcement officer witnesses a purchase during the normal course of other duties.”
STATE ENFORCEMENT

States indicate that typical actions taken when a minor is caught possessing, using, or purchasing tobacco are:

- Notification of parents
- Issuing of citations
- Appearance in juvenile or family court

States indicate that typical penalties imposed when a minor is caught possessing, using, or purchasing tobacco are:

- Participation in optional or mandatory tobacco education programs
- Community service
- Fines
- Driver license suspension
Local PUP enforcement data presented are preliminary data from key informant interviews for the Tobacco Possession Ordinance Feedback Module: Project ImpacTeen 1999 and 2000 Community data

✓ ImpacTeen is a Robert Wood Johnson Foundation funded multi-substance (tobacco, alcohol, illicit drugs) project coordinated at The University of Illinois at Chicago

✓ Its purpose is to evaluate the impact of policies, programs, and practices at the state, community, school, and individual levels on adolescent use of alcohol, tobacco, and illicit drugs

✓ These key informant community interview data include Tobacco Possession Ordinance Feedback Module responses from 153 sites in 1999 and 94 sites in 2000

✓ Respondents from these participating sites were police chiefs and police officers in local communities
LOCAL ENFORCEMENT

Pattern of Possession
Ordinance Enforcement:

<table>
<thead>
<tr>
<th>Year</th>
<th>Enforced among any youth smoker</th>
<th>Enforced only in response to complaint</th>
<th>Enforced rarely</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>54.4</td>
<td>33.3</td>
<td>15.0</td>
</tr>
<tr>
<td>2000</td>
<td>63.5</td>
<td>30.6</td>
<td>3.2</td>
</tr>
</tbody>
</table>
Parents Routinely Notified if Youth is Cited for Tobacco Possession:

- **1999**: 86.2% Yes, 13.8% No
- **2000**: 81.8% Yes, 18.2% No
LOCAL ENFORCEMENT

Opinion of Effectiveness of Possession Ordinance in reducing tobacco use by minors:

Year | Percent of police chiefs/officers
--- | ---
1999 | Very Effective: 8.1, Somewhat Effective: 50.0, Not Very Effective: 35.1, No Help at All: 6.8
2000 | Very Effective: 9.1, Somewhat Effective: 46.8, Not Very Effective: 28.6, No Help at All: 15.6
Community Reaction to Tobacco Possession Ordinance

- Expect Police to Enforce
- Enforcement may not be a very good use of police time/resources
- No reaction

Encourage Other Communities to Enact Tobacco Possession Laws

Local Enforcement: 1999
Tobacco Possession Ordinance Enforced in Your Community

Year 2000

Resources Adequate to Effectively Enforce Tobacco Possession Ordinance

LOCAL ENFORCEMENT: 2000
Community Priority of Tobacco Possession Ordinance Enforcement

Year 2000

Effectiveness of Possession Ordinance in Giving Police a Tool to Intercept Youth for Other Issues or Concerns

LOCAL ENFORCEMENT: 2000
LOCAL ENFORCEMENT

Police chiefs and officers from local communities indicate that the following are typical actions taken when a minor is caught possessing tobacco:

- Citation issued
- Notification of parents
- Warning issued
- Appearance in peer or teen court

Police chiefs and officers from local communities indicate that the following are typical penalties imposed when a minor is caught possessing tobacco:

- Fines
- Community service
- Participation in Tobacco Cessation Program
- Counseling
Discussion:

A majority of PUP enforcement activities and practices occur at the local level:

- Almost 80% of respondents indicated that local possession ordinances are enforced in their community.
- The pattern of local enforcement indicated that tobacco possession laws are frequently enforced among young smokers who appear to be underage.
- Parents are frequently notified if youth are cited for tobacco possession in local communities.
- A majority of respondents indicated that their communities expect police to enforce the tobacco possession ordinance.
Effectiveness of PUP laws and enforcement activities remains questionable:

In 1999, half of respondents (50%) considered the local tobacco possession ordinance to be only ‘somewhat effective’ in reducing tobacco use by minors.

- However, close to 90% of respondents would encourage other communities to enact tobacco possession laws.

In 2000, a majority of respondents (62.4%) considered the local tobacco possession ordinance to be ‘not very effective’ or ‘no help at all’ in reducing tobacco use by minors.

- However, almost 80% of respondents considered the local tobacco possession ordinance to be ‘very effective’ or ‘somewhat effective’ in giving police a tool to intercept youth for other issues or concerns.

Almost 70% of respondents indicated that tobacco possession enforcement in their community was a ‘moderate’ or ‘high’ priority.

- However, more than 1/3rd of respondents reported that their local communities do not have enough resources to adequately enforce the tobacco possession ordinance.
Future Research:

Enforcement of state and local PUP laws needs further study:

- Future work will assess state enforcement in all 44 states with one or more PUP laws
- State and local enforcement measures will be developed, along with indices to better assess PUP enforcement at both levels

Effects of state and local PUP law enforcement on adolescent smoking behavior need further study:

- Future work will assess the separate and combined effects of state and local PUP enforcement on adolescent smoking behavior and attitudes